

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3384 OF 2004

1. Gurupreetsingh Kohli;
2. Jaspalsingh Kohli,
3. Mahindersingh Kohli,
4. Smt Sachinderkaul Kohli, .. Applicants

Vs

State of Maharashtra, .. Respondent
Mr. A.P.Mundargi with Mr Nankani i/b S.V.Marwadi, for
the applicants.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATE : 17th AUGUST, 2004.

PC:

1. Heard Mr.Mundargi, learned counsel for the applicants and Mr.Konde-Deshmukh, learned A.P.P for the respondent.

2. The four applicants, who are members of one and the same family, are involved in C.R.No.I-155 of 2004 registered with Waghle Estate Police Station under sections 467, 468, 471,473, 420 read with 120 of Indian Penal Code. It is alleged that the applicants filed the forged certificates dated 3.6.2003 and 4.4.2002

purportedly issued by the Food and Drugs Administration, Konkan Division, Konkan. Both these documents were filed by the applicants along with the tender as one of the requirements of the tender. The forged documents were the G.N.P. certificate and performance certificate. Mr Mundargi, learned counsel for the applicants, at the outset, submitted that applicant no.1 had submitted the tender application and filed the alleged forged certificates therewith. At the relevant time, according to Mr Mundargi, applicant no.2 was not attending day-to-day functioning of the company since he had undergone bypass surgery and that applicant nos 3 and 4 are nominal directors of the company and never participate in the affairs of the company. Keeping that in view, Mr Mundargi pressed this application seeking pre-arrest bail for applicant nos 2 to 4. In so far as applicant no.1 is concerned, he submitted that he would surrender to the investigating agency within a week from today. On the other hand, Mr Konde-Deshmukh, learned APP, submitted that applicant nos 2 to 4 are also directors of the company and their custody also would be necessary for interrogation.

3. I have perused the entire material placed before me. It is apparent that the tender application was submitted by applicant no.1 under his signature. All the

applicants are members of one and the same family. Applicant nos 2 to 4 do not seem to have played any role in submitting the tender along with which the forged documents were attached. Custody of all the family members, in my opinion, would not be necessary particularly in view of the facts that all the original documents are already taken in custody by the investigating officer. Only to find out who fabricated the questioned documents or their source, custody of all would not be necessary. Keeping that in view, I am inclined to grant pre-arrest bail to applicant nos 2 to 4.

4. Applicant nos 2 to 4 are, accordingly, directed to be enlarged on bail, in the event of their arrest in C.R.No.I-155 of 2004 registered at Waghle Estate Police Station on their furnishing personal bonds of Rs.25,000/- each and one or two sureties of the like amount to the satisfaction of the Station Officer of the said Police Station subject to the condition that applicant nos 2 and 3 shall report to the investigating officer everyday between 10 am and 11 am for a period of seven days commencing from 23.8.2004 and thereafter on every Saturday between 10 am and 12 noon until filing of the chargesheet. Applicant no.4 shall report the investigating agency as and when called.

5. In so far as applicant no.1 is concerned, his application is rejected as not pressed. Liberty to applicant no.1 to surrender before the investigating agency on or before 26.8.2004. Applicant no.1 shall have a liberty to apply for regular bail after seven days of his police custody. His application for regular bail that would be filed after seven days, be granted provided he cooperates with the investigating agency during the period of his custody. If applicant no.1 files an application for bail after seven days, same be decided expeditiously.

. While passing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall deal with the case uninfluenced by the observations made in this order.

. The Criminal Application is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.Bhosale, J.)

(D.B.BHOSALE, J.)